

ESTTA Tracking number: **ESTTA817914**

Filing date: **05/01/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91231364
Party	Plaintiff Vale National Training Center, Inc.
Correspondence Address	GEORGE R SCHULTZ SCHULTZ & ASSOCIATES P C 5400 LBJ FREEWAY SUITE 1200 DALLAS, TX 75240 UNITED STATES rschultz@grspc.com, nmarsh@grspc.com, docket@grspc.com, kneedham@grspc.com
Submission	Other Motions/Papers
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Signature	/george r. schultz/
Date	05/01/2017
Attachments	Agreed Motion to Amend Registrations 050117.pdf(142534 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of Trademark
Application Serial No.: 86/923,011**

For the mark: VALE INSURANCE PARTNERS and design

Published in the Official Gazette on: October 11, 2016

VALE NATIONAL TRAINING CENTER, INC.,

Opposer,

v.

OPPOSITION NO. 91231364

VALE INSURANCE PARTNERS LLC,

Applicant.

AGREED MOTION TO AMEND REGISTRATIONS

Pursuant to 15 U.S.C. § 1057(e), Vale National Training Center, Inc. (“Opposer”) hereby moves to amend U.S. Registration Nos. 2,255,689; 3,782,028; and 3,782,029 to correct a clerical error in the name of the owner of each registration and would respectfully show the Board the following:

1. U.S. Registration No. 2,255,689 was granted on June 22, 1999, listing the owner of record as Vale National Training Centers, Inc.
2. U.S. Registration No. 3,782,028 was granted on April 27, 2010, listing the owner of record as Vale National Training Centers, Inc.
3. U.S. Registration No. 3,782,029 was granted on April 27, 2010, listing the owner of record as Vale National Training Centers, Inc.

4. The owner of each of these registrations is, and at all times has been, Vale National Training Center, Inc. (the “Owner”). The name of the Owner in each case contains a typographical error. Namely, the word “Centers” should be “Center.”

5. Correction of minor clerical errors to properly identify the owner of a registration is permissible. T.M.E.P. § 1201.02(c). The correction does not materially alter the marks and does not require republication.

6. The errors were unintentional and occurred in good faith. The Owner is registered with the Texas Secretary of State with a date of incorporation on February 26, 1985. Its name has not changed since it was incorporated. A verified statement of the Owner confirming these facts is attached as Exhibit A.

7. Pursuant to 37 C.F.R. 2.6(a)(11), the required fee of one hundred dollars (\$100.00) per registration, a total of three hundred dollars (\$300.00), is submitted herewith in conjunction with the filing of this Motion. The Board is authorized to charge additional required amounts or issue any credits for overpayments to Deposit Account No. 50-2225.

8. Counsel for Applicant has been contacted about this Motion and has agreed to the relief requested by it.

9. Therefore, Opposer respectfully requests that the Board grant this Motion and amend U.S. Registration Nos. 2,255,689; 3,782,028; and 3,782,029 to reflect the correct name of the owner, Vale National Training Center, Inc. Opposer further requests that a new Certificate of Registration be issued in each case, as permitted by, 15 U.S.C. § 1057(h).

Dated: May 1, 2017.

Respectfully submitted,



George R. Schultz
Texas Bar No. 17837500
Nicole R. Marsh
Texas Bar No. 24044653

SCHULTZ & ASSOCIATES, P.C.
5400 LBJ Freeway
Suite 1200
Dallas, Texas 75240
214-210-5940 telephone
214-210-5941 facsimile

ATTORNEYS FOR OPPOSER
VALE NATIONAL TRAINING CENTER, INC.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing Agreed Motion to Amend Registrations was served upon the persons listed below in the manner indicated on May 1, 2017:

Mr. Paul C. Llewellyn
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019

Via Email paul.llewellyn@apks.com

A handwritten signature in black ink, appearing to be 'G. Schultz', written over a horizontal line.

George R. Schultz

Exhibit A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the matter of Trademark
Application Serial No.: 86/923,011**

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VALE NATIONAL TRAINING CENTER, INC.,

Opposer,

v.

OPPOSITION NO. 91231364

VALE INSURANCE PARTNERS LLC,

Applicant.

DECLARATION UNDER 37 C.F.R. §2.20

The undersigned being warned that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that any such willful false statements and the like may jeopardize the validity of the corrected registration, declares that he is properly authorized to execute this document on behalf of Opposer; and all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

1. U.S. Trademark Registrations Nos. 2,255,689; 3,782,028; and 3,782,029 each include a typographical error. In each Registration, the corporate name of the owner appears as “Vale National Training Centers, Inc.” However, the correct corporate name of the owner is “Vale National Training Center, Inc.” The word “Centers” should be “Center.”

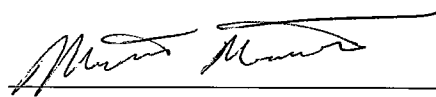
2. The typographical error was unintentional and occurred in good faith. Vale National Training Center, Inc. is registered with the Texas Secretary of State with a date of incorporation on February 26, 1985. Its name has not changed since the date of incorporation.

3. A copy of the Articles of Incorporation as recorded with the Texas Secretary of State is attached hereto as Exhibit A and shows the proper corporate name of the owner.

4. Upon information and belief, there is no legal entity named Vale National Training Centers, Inc.

OWNER

By:



Matthew McCutcheon

Vice President

Vale National Training Center, Inc.

Date:

4-25-17

Exhibit A

FILED
In the Office of the
Secretary of State of Texas

FEB 26 1985

ARTICLES OF INCORPORATION
OF
VALE NATIONAL TRAINING CENTER, INC.

Clerk B
Corporations Section

The undersigned, being natural persons of the age of eighteen (18) years or more, who are citizens of the State of Texas, acting as the Incorporators of a Corporation under the Texas Business Corporation Act, do hereby adopt the following Articles of Incorporation for such Corporation:

ARTICLE I

The name of the Corporation is VALE NATIONAL TRAINING CENTER, INC..

ARTICLE II

The period of its duration is perpetual.

ARTICLE III

The purposes for which the Corporation is organized are:

To engage in the operating of a training school.

To do any and all other acts or other functions lawfully performable by a corporation under the laws of the State of Texas.

ARTICLE IV

The aggregate number of shares which the Corporation shall have authority to issue is One Hundred Thousand (100,000) Shares at a par value of \$1.00 per share.

ARTICLE V

The Corporation will not commence business until it has received for the issuance of its shares, consideration of the value of One Thousand (\$1,000.00) Dollars, consisting of money, labor done or personal property actually received.

ARTICLE VI

The Post Office address of its initial registered office is 515 WSW Loop 323, Tyler, Texas 75701 and the name of its initial registered agent for service is Terry Grant.

ARTICLE VII

The number of Directors constituting the initial Board of Directors is three (3) and the names and addresses of the persons who are to serve as Directors until the first meeting of the shareholders, or until their successors are elected and qualified are:

R. Jud Adams
515 WSW Loop 323
Suite 201
Tyler, Texas 75701

Don L. Guin
515 WSW Loop 323
Suite 201
Tyler, Texas 75701

Marshall Spivey
200 InterFirst Bank South
Tyler, Texas 75702

ARTICLE VIII

The names and addresses of the Incorporators are:

R. Jud Adams
515 WSW Loop 323
Suite 201
Tyler, Texas 75701

Don L. Guin
515 WSW Loop 323
Suite 201
Tyler, Texas 75701

Marshall Spivey
200 InterFirst Bank South
Tyler, Texas 75702

IN WITNESS WHEREOF, I have hereunto set my hand this the
21st day of February, 1985.

R. Jud Adams
R. JUD ADAMS

Don L. Guin
DON L. GUIN

Marshall Spivey
MARSHALL SPIVEY

THE STATE OF TEXAS §
COUNTY OF SMITH §

I, Wanda Hughes, a Notary Public, do hereby
certify that on this the 21 day of February, 1985, personally
appeared R. JUD ADAMS and DON L. GUIN, who, after being duly
sworn, declared that they are the persons who signed the
foregoing instrument as Incorporators and that the
statements therein contained are true.

Wanda Hughes
NOTARY PUBLIC - STATE OF TEXAS

My commission expires: 11-17-88

THE STATE OF TEXAS §
COUNTY OF SMITH §

I, VICKI BUTLER, a Notary Public, do hereby
certify that on this the 21st day of February, 1985, personally
appeared MARSHALL SPIVEY, who, after being duly sworn, declared
that he is the person who signed the foregoing instrument as
Incorporator and that the statements therein contained are true.

Vicki Butler
NOTARY PUBLIC - STATE OF TEXAS

My commission expires: 9-19-88

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